## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

APOSTLE ANTHONY L. McNAIR,	)
Plaintiff,	)
v.	) JUDGMENT
	) No. 5:10-CV-561-FL
ROCKY MOUNT POLICE DEPARTMENT; J. WAYNE SEARS; and, JENNY L. MATTHEWS,	) ) )
Defendant.	)

## **Decision by Court.**

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the Memorandum and Recommendation of the United States Magistrate Judge.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered January 24, 2011, and for the reasons set forth more specifically therein, that plaintiff's complaint is dismissed for failing to survive frivolity review under 28 U.S.C. § 1915(e)(2). The plaintiff shall have and recover nothing from this action.

## This Judgment Filed and Entered on January 25, 2011, and Copies To:

Anthony Lee McNair (via U.S. Mail) 1413 Hill Street, Rocky Mount, NC 27801 and 1228 Hill Street, Rocky Mount, NC 27801

January 25, 2011

DENNIS P. IAVARONE, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk